

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jesus Reyes,

Civil No. 14-83 (DWF/HB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Carolyn Colvin, Acting Commissioner
of Social Security,

Defendant.

This matter is before the Court upon Plaintiff Jesus Reyes' ("Plaintiff") objections (Doc. No. 26) to Magistrate Judge Hildy Bowbeer's January 5, 2015 Report and Recommendation ("R&R") (Doc. No. 23) insofar as it recommends that: (1) Plaintiff's Motion for Summary Judgment be granted in part and denied in part; and (2) Defendant's Motion for Summary Judgment be granted in part and denied in part.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Plaintiff states that he does not object to the entire R&R, and that he only objects to the R&R with respect to the following: (1) the Magistrate Judge's finding that the Administrative Law Judge ("ALJ") accorded proper weight to the opinion of

Dr. Edward R. Shaman; (2) the Magistrate Judge's finding that the ALJ accorded proper weight to the opinion of Dr. Karen M. Gosen; (3) the Magistrate Judge's finding that the ALJ accorded proper weight to the opinion of Dr. Mark Kossmann; (4) the Magistrate Judge's finding that the ALJ accorded proper weight to the opinion of psychologist Michael Lace; and (5) the Magistrate Judge's finding that the ALJ did not err in finding that the claimant's depression and anxiety did not meet or equal a Listed Impairment.

(*See generally* Doc. No. 26.)

The undersigned agrees with the Magistrate Judge's conclusions that the ALJ did not err with respect to any of the above-listed determinations. The undersigned also agrees with the Magistrate Judge's conclusions that the ALJ's decisions are supported by "substantial evidence on the record as a whole," 42 U.S.C. § 405(g), and are consistent with the relevant regulations and legal standards. The Court thus concludes, as did Magistrate Judge Bowbeer, that Plaintiff's arguments offer no basis for finding that the ALJ erred. Consequently, the Court will adopt the Magistrate Judge's R&R in this matter.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Jesus Reyes' objections (Doc. No. [26]) to Magistrate Judge Hildy Bowbeer's January 5, 2015 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Hildy Bowbeer's January 5, 2015 Report and Recommendation (Doc. No. [23]) is **ADOPTED**.
3. Plaintiff Jesus Reyes' Motion for Summary Judgment (Doc. No. [11]) is **GRANTED IN PART** and **DENIED IN PART**.
4. Defendant's Motion for Summary Judgment (Doc. No. [18]) is **GRANTED IN PART** and **DENIED IN PART**.
5. This case is **REMANDED** to the Commissioner to determine (a) the date on which medical improvement occurred, and with respect to which impairments, and (b) whether, and if so, to what extent Plaintiff became disabled again after medical improvement occurred.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 11, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge